

# Karen Peterson: We've lost the free-speech protections of our anti-SLAPP law

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A short story inside Friday's paper was so overrun with legalese that it was difficult to get through: "Court tosses state law against frivolous lawsuits." The name of the law itself is a confusing blend of double-negatives and acronyms.

But make no mistake, the protections offered by Washington's anti-SLAPP law — now gone — were important ones.

Without it, people, businesses and governments are freer to sue those who dare to speak out against them. The Washington State Supreme Court's action makes it more likely you could be sued in an attempt to shut you up.

So let's break this down.

First, SLAPP stands for "strategic lawsuit against public participation."

That's a bad thing. It's when someone sues disingenuously, accusing a person or group of slander simply for speaking out.

True slander is a bad thing as well. People shouldn't be allowed to tell malicious, damaging lies.

But the "strategic" part of a SLAPP suit suggests the person, government or business doing the suing knows it can't prove slander but hopes that filing a lawsuit will be enough to scare detractors away.

It happened in Pierce County more than a decade ago, when Right Price Recreation wanted to build a large subdivision near Bonney Lake.

Two neighborhood groups — Connell's Prairie Community Council and Pierce County Rural Citizens Association — protested on historical grounds because it would be on the site of the 1856 battle between Nisqually Chief Leschi and the U.S. Army.

The groups also said the developer was trying to skirt the state Growth Management Act and county comprehensive plan.

Right Price sued the groups in 1999, accusing them of slander and commercial disparagement, in part for testimony they gave during a County Council meeting.

The groups declared the lawsuit a SLAPP and eventually won their case, but only after spending three years of their time and tens of thousands of dollars.

The tactic was rare in Pierce County but increasingly was being used by developers across the nation to get naysayers to shut up. Many times they shut up simply because they can't afford to get into a legal tangle with a big company.

SLAPP suits also can be aimed at silencing the press.

In 2010, our Legislature passed a new and broader anti-SLAPP law. It allowed people being "SLAPP-ed" to ask a judge to throw out the lawsuit if it was unlikely to succeed and mainly an attempt to quash their public comments.

Comments made at public meetings or published in a newspaper were among those covered.

If a judge ruled for the commenters, the party bringing the lawsuit had to pay \$10,000, plus cover the other side's legal fees. The penalty was designed to discourage SLAPP suits.

On Thursday, the state Supreme Court struck down the anti-SLAPP law, saying it allowed judges — rather than juries — to decide the disputed facts of a case. The law violated the constitutional right to a trial by jury, the court ruled.

Violating one constitutional right to preserve another is not the way to go. However, now we're left with no SLAPP deterrent at all.

First Amendment attorneys in the state say the law could be rewritten to address constitutional concerns while also protecting free speech. Anti-SLAPP laws in other states are written in ways Washington might find helpful.

We should push the Legislature to take this up as soon as possible.

Newspaper puzzles prevent Alzheimer's?

We have no scientific study to prove that newspaper puzzles prevent Alzheimer's.

But Ian Riensche, the Gig Harbor man who writes our Sudoku puzzles each day, shared with us a note from a reader who declared it so.

For your reading enjoyment and to your health:

"HURRAY!!!! Today I've won the fight against dementia and reached the top. I am now over 78 years old with 7 grandchildren. When I started playing Sudoku to fight Alzheimer's I didn't know how far I could go. I am now living proof that it works for me up till now. I don't know how long more I can keep this up. but I'm still raring to go. My

sincere and heartfelt thanks to Ian Riensche who made this possible. A Sudoku a day keeps Alzheimer's at bay! Keep up the good work Fellow Warriors!!!"

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